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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,000	09/24/2003	A-Hsiang Chang	2846-0273P	1814

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EXAMINER

KRECK, JOHN J

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 02/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/669,000

Applicant(s)

CHANG, A-HSIANG

Examiner

John Kreck

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 11/1/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 3-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

The amendment dated 11/1/04 has been entered.

Claims 3-11 are pending.

#### ***Response to Amendment***

1. The amendment filed 11/1/04 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the amendment adds the term "amusement device"; which is not found in the specification as filed.

Applicant is required to cancel the new matter in the reply to this Office Action.

#### ***Specification***

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: "Multi Basin Hydraulic System".

2. The disclosure is objected to because of the following informalities: the specification includes numerous citations which seem to indicate that the invention defies the laws of thermodynamics; in particular, paragraph 2, last sentence; paragraph 3 (in its entirety); paragraph 9, lines 14-16 (sentence beginning "At least..."); paragraph 10, lines 4-8 (sentence beginning "Moreover..."); and paragraph 23, lines 14-17 (sentence beginning "At least..."). Each of these sentences describe the invention in a

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manner which would violate the known laws of thermodynamics; in that more energy would be produced than consumed. These sentences should be deleted.

Appropriate correction is required.

### ***Claim Rejections***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 5-11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. the amendment adds the term "amusement device"; which is not found in the specification as filed.

4. Claims 3-11 are rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a credible asserted utility or a well established utility.

The asserted utility is not credible. Operation of the invention, as claimed and disclosed, would result in production of more energy than is present in the system prior

to commencement of operation: the total energy in the fluid is at maximum when all the fluid is in the upper basin; as it flows downwardly, some energy is lost to friction and turbulence, and some energy is transferred to the electric generator(s), and thence out of the system. Applicant has not disclosed how energy is realized to bring the water back to the high energy state (i.e. the upper basin). Thus operation of the system, as claimed and disclosed, is not credible in light of centuries of scientific observation and experiment; and apparently violates the known laws of thermodynamics. The claimed invention is being treated as a perpetual motion machine.

5. Claims 3-11 are also rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either a credible asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

### ***Response to Arguments***

5. Applicant's arguments filed 11/1/04 have been fully considered but they are not persuasive. Applicant has argued that the invention has utility, and that the rejection is improper because "it is simply stated in the application that some energy is generated" (underline added) and "*The claims and specification do not state that this is the only source of power, but rather simply a source for generating some of the power*". (applicant's response, page 7, second paragraph). A careful review of the specification and claims reveals no such statements. No other source of power is disclosed, and

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there is no hint that another source of power is used. It is strongly suggested that applicant point out the specific paragraph and text where such statements can be found.

In fact, the specification states the opposite; as evidenced in paragraph 9:

*"First, water in the upper cistern flows through the outlet, and drives the generator to generate electric power." And "At least, the pump in the lower cistern pumps all the water, flowed into the lower cistern, through the water pipe into the upper cistern, and it completes an electric generation cycle of the present invention."* The specification clearly describes the generation of electric power, and additionally, the transfer of energy to the pump in the lower cistern which *"pumps **all the water**... into the upper cistern"* (paragraph 9—emphasis added). In an ideal system (absent the electric generator and without friction, turbulence, or any other energy losses whatsoever) one might theorize that enough energy could be transferred from the floats so that nearly all of the water could be returned to the upper cistern. Applicant has not disclosed any manner of eliminating friction, turbulence, or other losses; and furthermore, applicant's claimed invention includes the electric generator which necessarily takes energy from the system.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

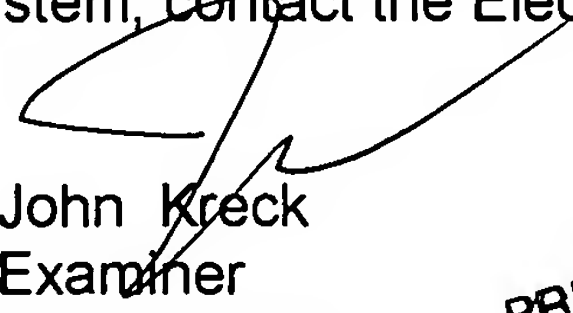
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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Kreck whose telephone number is (703)308-2725. The examiner can normally be reached on M-F 5:30 am - 2:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on (703)308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
John Kreck  
Examiner  
Art Unit 3673

JOHN KRECK  
PRIMARY EXAMINER

JJK